

REMARKS

Claims 100 to 119 remain pending.

Claim 119 has been rejected under 35 U.S.C. 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 94/19313 (Henkel) as evidenced by U.S. Patent No. 5,589,450 to Pi et al. The Action stated that Pi et al. disclosed making betaines and the use of amidoamines formed from erucic acid or technical mixtures thereof.

The rejection of claim 119 under 35 U.S.C. 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Henkel as evidenced by Pi et al. is moot since it has been cancelled.

Claims 100 to 118 have been rejected under the ground of nonstatutory obviousness-type double patenting over claims 1 to 5 of U.S. Patent No. 6,258,859 (U.S. '859). The rejection of claims 100 to 119 over U.S. '859 is overcome in view of the terminal disclaimer submitted herewith.

The rejection of claim 119 on the ground of nonstatutory obviousness-type double patenting over claims 1 to 5 of U.S. '859 is moot since it has been cancelled.

Claims 100 to 119 have been rejected under the ground of nonstatutory obviousness-type double patenting over claims 1 to 15 of U.S. Patent No. 6,482,866 B1 (U.S. '866). The Action noted the presence of "comprising" transitional language in claims 100 to 119.

Although the "comprising" transitional language is indeed present in claims 100 to 118, the rejection of present claims 100 to 118 over claims 1 to 15 of U.S. '866 is not well taken in view of the differences between the requirements of the two claim sets. Present claims 100 to 118 require erucyl amidopropyl betaine, while claims 1 to 15 of U.S. '866 do not require it. Independent claim 1 of U.S. '866 requires a particulate proppant be suspended in the viscoelastic fluid. None of present claims 100 to 118 require such a proppant. Independent claim 2 of U.S. '866 requires an additive selected from among corrosion inhibitors and fluid-loss additives. None of present claims 100 to 118 require corrosion inhibitors or fluid-loss additives. Independent claim 3 (and dependent claims 4 to 15) of U.S. '866 requires a first component selected from the group consisting of a mixture of an amine oxide and an anionic surfactant having a carbon chain of at least about 14 carbon atoms. None of present claims 100 to 118 require an amine oxide.

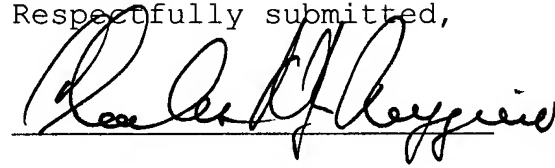
The rejection of claim 119 on the ground of nonstatutory obviousness-type double patenting over claims 1 to 15 of U.S. '866 is moot since it has been cancelled.

Claims 100 to 119 have been rejected under the ground of nonstatutory obviousness-type double patenting over claims 1 to 5 of U.S. Patent No. 6,831,108 B1 (U.S. '108). The rejection of claims 100 to 119 over U.S. '108 is overcome in view of the terminal disclaimer submitted herewith.

The rejection of claim 119 on the ground of nonstatutory obviousness-type double patenting over claims 1 to 5 of U.S. '108 is moot since it has been cancelled.

Reconsideration of claims 100 to 118 is deemed warranted in view of the foregoing, and allowance of said claims is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", written over a horizontal line.

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Charles N.J. Ruggiero
Reg. No. 28,468
Attorney for Applicants
Ohlandt, Greeley, Ruggiero
& Perle, L.L.P.
One Landmark Square
Stamford, CT 06901-2682
Tel: 203-327-4500